

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CRAIG W. EISERT,)	
Petitioner,)	Civil Action No. 7:21cv00068
)	
v.)	
)	By: Michael F. Urbanski
HAROLD W. CLARKE,)	Chief United States District Judge
Respondent.)	

MEMORANDUM OPINION

Craig William Eisert, a Virginia inmate proceeding pro se, previously filed two petitions for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254; by order entered April 30, 2021, the court consolidated the two petitions, considered them conditionally filed, granted Eisert's motion to proceed in forma pauperis, and ordered Eisert, among other administrative orders, to supplement his petition with an affidavit containing information regarding when and how he learned that his sentence allegedly was not being properly credited with his county jail time and earned good time credit.

Eisert appealed the conditional filing order to the Fourth Circuit Court of Appeals. The appellate court dismissed the appeal, noting that it had no jurisdiction to consider the appeal, because the conditional filing order was neither a final order nor an appealable interlocutory or collateral order. Eisert v. Clarke, No. 21-6765 (4th Cir. Aug. 24, 2021) (per curiam) (unpublished). The appellate court issued its mandate on September 24, 2021.

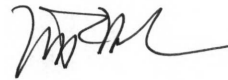
Nothing further has been filed in the case since that time.

In case the petitioner mistakenly assumed that dismissal of his appeal ended the matter, the court will give petitioner an additional fourteen (14) days from entry of this

opinion in which to supply the affidavit previously ordered on April 30, 2021. If the affidavit is not received during that time, the court will dismiss the case for lack of prosecution.

An appropriate order will be entered.

Entered: January 20, 2022.

A handwritten signature in black ink, appearing to be 'M. Urbanski', written over a horizontal line.

Michael F. Urbanski
Chief U.S. District Judge
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Michael F. Urbanski
Chief United States District Judge